

MINUTES

RANDOLPH COUNTY PLANNING BOARD

May 2, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 2, 2006, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. Roll call of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, present; Maxton McDowell, present; Larry Brown, present; Phil Ridge, absent; Chris McLeod, present; Reid Pell, present; Wayne Joyce, Alternate, present (substituting for regular member Ridge); and Danny Shaw, Alternate, present. **County Attorney Alan Pugh** was present for this meeting.
3. **Rains** made the motion, seconded by **Brown**, to approve the minutes of the April 4, 2006 Randolph County Planning Board meeting. The motion passed unanimously.
4. **Order Denying Special Use Permit Request:**

SCHWARZ PROPERTIES, LLC., Asheboro, North Carolina, is requesting a Special Use Permit to allow 6-two week carnival events to be held at 7190 US Hwy 311, 47.41 acres, Primary Growth Area, Randleman Lake Watershed, Tax ID# 7736849969, Zoning District HC.

Rains made the motion, seconded by **McLeod**, to **approve** the Order Denying the Schwarz Properties request for a special use permit. The motion passed unanimously. The order is attached.

5. **REQUESTS FOR A SPECIAL USE PERMIT:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Five people took this oath.

- A. **FRANCES NYARS**, Greensboro, North Carolina, is requesting a Special Use Permit for a rural family occupation to allow a 24' x 40' existing building to be used for a cabinet shop at her future residence located at 3154 US Hwy 311

South, 1.66 acres, Primary Growth Area, Randleman Lake Watershed, New Market Township, Zoning District RR, Tax ID# 7737311124. Property Owner - Johnny Prince.

Nyars was present and explained their intentions to purchase the property. Nyars said he would operate a cabinet shop for bath and vanity cabinets. Nyars said it would be a one-man operation. Nyars said there would be no additional traffic and no sign will be installed.

There was no one present in opposition to this request.

Joyce made the motion, seconded by **McLeod**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- B. **CINGULAR WIRELESS PCS, LLC**, Raleigh, North Carolina, is requesting a Special Use Permit to allow a 199 ft. monopole cellular tower to be located on 64.29 acres at 6131 NC Hwy 22 North (just before the Jess Hackett intersection), Rural Growth Area, Providence Township, Zoning District RA, Tax ID# 7796002755. Property Owners - Marvin & Glenda Tickle.

Karen Kemerait, Attorney representing Cingular Wireless PCS, Raleigh, presented a packet of documents that provided evidence showing this request met all the requirements of the ordinance. **Caesar R. Flores**, Project Engineer for Cingular Wireless PCS, and **Marvin Tickle**, Property Owner, were also present. Kemerait provided a letter from the property owner stating that he would maintain a 35 ft. no-cut buffer from the northeast corner of the leased area to the southwest corner of the leased area.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Joyce**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **H. L. DELK**, Asheboro, North Carolina, is requesting that 6.18 acres located on the northeast and southeast corners of the intersection of US Hwy 64 West/Stutts Road/Westchapel Road, Cedar Grove Township, be rezoned from RA to HC-CD. Primary Growth Area. Tax ID#'s 7731919282 and 7741011195. The proposed Conditional Zoning District would specifically allow a 100' x 150' building for retail and service shops on the northeast corner and a 300' x 80' building for retail and service shops on the southeast corner. Property Owners - J.B. & Mildred Stutts.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with other previous rezonings along intersections of US Hwy 64 West. It is further recommended that appropriate buffers be established to protect the adjoining residential properties as was required in the zoning for West Ridge Plaza.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of “retail strip” locations.

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.4 Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Delk was present and explained his intentions to use the property for retail, service, and warehousing.

There were approximately 7 people present in opposition to this request. Neighbors expressed concern for the portion of the property north of Hwy 64.

Allen Scarborough, adjoining property owner, presented a **petition with 29 signatures of those residents of Westchapel Road in opposition to this request.** Scarborough explained that once the new hwy loop was built Westchapel Road would be a dead end road. Scarborough said if the request is approved as presented this would bring large trucks and traffic through their neighborhood because the entrance for the facility would be off of Westchapel Road not Hwy 64. Scarborough said they have no opposition to the property south of Hwy 64 being zoned from commercial purposes.

Beth Scarborough, adjoining property owner, express concern that no buffers are being proposed to protect the existing residential neighborhood. Scarborough said that a setback of 10 ft. would allow construction of a commercial building too close to their residential property. Scarborough expressed concern for the safety of the children that play in the neighborhood. Scarborough said she didn't think the commercial use would be compatible to their residential community.

There were many concerns expressed by neighbors for the amount of traffic this would add to an already busy intersection.

Delk said that if these people would go to Charlotte or Raleigh and see the traffic there they would be happy with the amount of traffic along Hwy 64. Delk said the property has always been here and the residences have only been here a couple of years. There was discussion concerning the proposed highway project and Delk said that he was told a couple of years ago the construction would begin in 2007 and now he is being told it won't start until 2011. Delk said there is no definite date as to when the project will begin and it could be many years before it is constructed.

McDowell asked Delk how long he had owned the property. **Delk** answered that he has been working to purchase the property for the past 8 months. **McDowell** said he felt the neighbors had valid concerns and expressed the need for more detailed plans. **Rains** agreed and said he felt there should be more information provided concerning access, lighting, buffers, landscaping, and setbacks. Rains felt the information would be necessary to make the appropriate decision.

Pugh advised the Board that they could either approve or deny the entire request, they could recommend the portion of property south of Hwy 64 be approved and the portion of property north of Hwy 64 be denied, or they could recommend the portion of property south of Hwy 64 be approved and the portion of property north of Hwy 64 be denied and only approved if more detailed plans are provided and approved by the Technical Review Committee.

McDowell made the motion, seconded by **Brown**, to recommend to the Commissioners that the portion of property south of Hwy 64 be approved and the portion of property north of Hwy 64 be denied and only approved the portion of property north of Hwy 64 if more detailed plans are provided for the Commissioners to consider. The motion passed by a vote of 4 to 3 - **McLeod, Joyce, and Rains voted against the motion.**

Maxton McDowell left the meeting and his seat was replaced by Alternate Member Danny Shaw.

- B. **MIKE GARNER**, Seagrove, North Carolina, is requesting that 51 acres located on the east side the intersection of Pisgah Covered Bridge Road/Pisgah Road, Union Township, be rezoned from RA to RLOE-CD. Rural Growth Area. Tax ID#'s 7645264144, 7645163141, and 7645151445. The proposed Conditional Zoning District would specifically allow the development of a 8-lot residential subdivision for site-built homes or conventional modular homes with a minimum house size restriction of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer and surveyor attended this meeting. No person attended in opposition to the request. One person expressed support for the request stating that he intended to purchase one of the lots.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as this request is consistent with the existing land use patterns.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.

Garner was present and explained his intentions to develop a rural lot subdivision for site-built and off-frame modular homes. Garner said that the larger tracts would be used for mini farms. Garner said he plans to construct his personal home in this development.

There was no one present in opposition to this request.

Johnson said that this is a perfect example of a rural lot subdivision.

Rains made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- C. **KEVIN HILL**, Seagrove, North Carolina, is requesting that 5.90 acres located on Ridge Road, Richland Township, be rezoned from RA to CVOR-CD. Secondary Growth Area. Tax ID#'s 7675382848 and 7675395001. The proposed Conditional Zoning District would specifically allow a 4-lot expansion of Hillview Heights Subdivision for site-built homes, conventional modular homes, and on-frame modular homes with a minimum house size of 1,050 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer and surveyor were present for the meeting. Seven citizens attended the meeting and expressed support for site-built homes currently under construction. The citizens noted the major improvement from the original request which would have allowed single-wide mobile homes. Concerns were expressed about the effect the development may have on the water table and existing stump debris on the property.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing development in the area. The Committee noted that the existing debris (trees, stumps, etc.) must be removed from the property prior to development.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 2.3 The county should promote linkage between storm water management, clean drinking water, flood control, pollution control and erosion.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes "leap frog" development (i.e. leaving large vacant areas between

developments).

Standards Established within the Unified Development Ordinance supporting this recommendation:

Chapter II. Randolph County Subdivision Ordinance, Section 4 Required Improvements, (g) Removal of Land Clearing Waste. The developer/property owner shall file a removal plan with the Planning Office for any land clearing waste or demolition waste removed/created for the purpose of development a subdivision. This plan must be approved prior to final plat approval.

Jerry King, Surveyor, was present and explained his client's intentions to add 4 more lots to the minor subdivision, Hillview Heights. King said the lots will be used for small starter homes.

Jason Borden, adjoining property owner, said he thought the homes Hill has constructed are nice and he felt this would be a good addition to the neighborhood.

There was no one present in opposition to this request.

Rains made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- D. **ANTHONY CRAIG WRIGHT**, Liberty, North Carolina, is requesting that 6.02 acres located on NC Hwy 49 North (just north of Wright Country Road), Columbia Township, be rezoned from RR to CVOE-CD. Primary Growth Area. Tax ID# 8724202756. The proposed Conditional Zoning District would specifically allow the development of a 4-lot residential subdivision for site-built homes only with a minimum house size of 1,300 sq. ft.

- **Neighborhood Information Meeting Summary**

The surveyor was present for the meeting. One citizen attended the meeting and supported the request for site-built homes but expressed concerns about the number of new driveway connections.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing development in the area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Jerry King, Surveyor, explained that two of the proposed lots have existing residences on them. King said one is a site-built home and the other is a double-wide mobile home. King said once the mobile home is removed it would have to be replaced by a site-built home.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Pell**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- E. **CRAVEN VENTURES, INC.**, Asheboro, North Carolina, is requesting that 33.41 acres located on Low Bridge Road, Franklinville Township, be rezoned from RA to RLOR-CD. Rural Growth Area. Sandy Creek Watershed. The proposed Conditional Zoning District would specifically allow the development of a 7-lot residential subdivision for site-built homes, conventional modular homes, on-frame modular homes, and double-wide manufactured homes with permanent foundations with a minimum house size of 1,300 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer and surveyor were present. Two citizens attended to express concerns about the possible adverse effects the development could have to adjoining floodways and creeks.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with the Growth Management Plan for this area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.6 Development in designated flood zones shall be avoided. Subdivision lots that are within designated flood zones shall compute the minimum lot size as that area located outside the flood zone.

Policy 6.9 Major residential subdivision development in all growth management areas shall be computed by the number of lots divided from the original base tract.

Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.

Jerry King, Surveyor, was present and explained his client's intentions to divide the property for development. King said that he subdivided the property into 3 tracts as a minor subdivision and it was approved. King said he now wants to divide one of the tracts into 4 additional building lots. King said there is property on the south side of Low Bridge Road that is not usable due to flood zone and topography problems. King said that property would be sold with one of the lots or to a neighbor.

There were 5 people present in opposition to this request. Concerns were raised for the additional traffic being added to this dirt road. There were concerns for development in the watershed and flood zones. There were also concerns raised for the number of wells and how this would affect the existing wells in the community.

Joyce made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

7. The meeting adjourned at 8:15 p.m. There were 30 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary